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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Michele Leuthauser,

Plaintiff(s),

v.

United States of America, et.al.,

Defendant(s).

Case No. 2:20-cv-00479-JCM-VCF

Defendant's Status and Position Report

Pursuant to the Minute Order in Chambers, ECF No. 113, Defendant United States submits this report to apprise the Court of the status of the case and position of Defendant.

This Court granted summary judgment to Defendant. *See* ECF No. 98. The summary judgment ruling was based on the jurisdictional grounds of the law enforcement proviso in the Federal Tort Claims Act. *See* ECF No. 98 at 2–3. As a result, the Court did not address other grounds in Defendant's Motion for Summary Judgment, such as the discretionary function exception to the FTCA's waiver of sovereign immunity, the defense of privilege, and several problems with Plaintiff's asserted damages. *See* ECF No. 91 at 20–28. It is Defendant's position and respectful request that the Court consider and rule on these other grounds (at pages 20–28 of Defendant's Motion for Summary Judgment, ECF

1 No. 91). If a claim were to remain after such ruling, then the parties would proceed with a
2 proposed joint pretrial order, leading to a trial date.

3 Respectfully submitted this 22nd day of September 2023.

4 JASON M. FRIERSON
5 United States Attorney

6 /s/ Patrick A. Rose
7 PATRICK A. ROSE
8 Assistant United States Attorney
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